

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DWAIN PAUL MCCOY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-1028-M
)	
MR. KAGEL, et al.,)	
)	
Defendants.)	

ORDER

On January 5, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this civil rights action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended the Court: (1) dismiss with prejudice Count I as to defendants Sergeant Moore, Dr. Williams and “Nurse Kristel” pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B), (2) dismiss without prejudice Count II as to all defendants pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B), and (3) dismiss with prejudice Count III as to all defendants pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B). The parties were advised of their right to object to the Report and Recommendation by January 26, 2009. On January 15, 2009, plaintiff filed his objection only as to Count II alleging that defendant’s use of improper procedures creates an inference of causation under § 1983. The Court, having reviewed the Report and Recommendation and plaintiff’s objection, finds that plaintiff has alleged insufficient facts to create an inference of a causal connection between the actions of any party in this suit.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on January 5, 2009;
- (2) DISMISSES with prejudice Count I as to defendants Sergeant Moore, Dr. Williams and “Nurse Kristel” pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B);

- (3) DISMISSES without prejudice Count II as to all defendants pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B); and
- (4) DISMISSES with prejudice Count III as to all defendants pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B).

IT IS SO ORDERED this 10th day of February, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE